Supreme Court, U.S.
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No. 97-1477

In The

Supreme Court of the United States

October Term, 1997

ROBERT LONG and SHARON LONG, individually and as parents and next friends of minor Daniel Long, DANIEL LONG, JOHNNY MENDOZA, SR. and MIRIAM MENDOZA, individually and as parents and next friends of minor Johnny Mendoza, Jr., and JOHNNY MENDOZA, JR.,

Petitioners,

vs.

SCHOOL BOARD OF ALACHUA COUNTY, FLORIDA, and K-III COMMUNICATIONS CORPORATION,

Respondents.

On Petition For A Writ Of Certiorari To The District Court Of Appeal Of Florida, First District

REPLY BRIEF TO BRIEF IN OPPOSITION

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PETITIONERS' REPLY BRIEF

NEW POINT RAISED IN BRIEF IN OPPOSITION: DOES THE COURT POSSESS JURISDICTION?

In *Florida Star v. B.J.F.*, 530 So.2d 286 (Fla. 1988), the Florida Supreme Court addressed a certified question addressed to it by this Court, *The Florida Star v. B.J.F.*, 484 U.S. 984, 108 S.Ct. 499, 499, 98 L.Ed.2d 498 (1987), to clarify the question of when a decision of a Florida District Court of Appeal is a decision of the "highest state court empowered to hear the cause" within the meaning of the jurisdiction of this Court. In reply to this Court's certified question, the Florida Supreme Court stated:

> This court does *not*, however, have subject matter jurisdiction over a district court opinion that fails to expressly address a question of law, such as opinions issued without opinion or citation. *Thus, a district court decision rendered without opinion or citation constitutes a decision from the highest state court empowered to hear the cause, and appeal may be taken directly to the United States Supreme Court.*

530 So.2d at 288 n. 3. (Emphasis supplied). Quoted with approval, *Beaty v. State*, 701 So.2d 856, 857 (Fla. 1997).

The decision Petitioners submit for review in this petition is precisely of the sort that the Florida Supreme Court has stated to be the decision from the "highest state

court empowered to hear the cause." Accordingly, this Court does have jurisdiction.

Respectfully submitted,

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